

Notice of Allowability	Application No.	Applicant(s)
	10/698,553	YUASA ET AL. <i>SMA</i>
	Examiner Leith A. Al-Nazer	Art Unit 2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to communications filed on 11 July 2005.
2. The allowed claim(s) is/are 2-7,10-12,14-16,18 and 19.
3. The drawings filed on 31 October 2003 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 11 July 2005
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.



HOANG V. NGUYEN
PRIMARY EXAMINER

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David A. Blumenthal on 18 July 2005.

2. Amend the specification as follows:

On page 6, line 11, remove [[and]].

On page 6, line 12, remove [[14]] and insert 14A after "FIG.".

On page 6, line 14, remove [[.]] and insert ; and after "embodiment".

On page 6, line 15, insert FIG. 14B is a plan view showing a state in which the user wears the communication apparatus.

3. Amend claims 4, 10, and 11 as follows:

4. A communication apparatus comprising:

a speaker;

a headband which connects to said speaker at an end thereof;

a wireless communication module comprising transmitting and receiving circuitry coupled to said speaker; and

an antenna arranged at a certain position on said headband, and coupled to said wireless communication module via a cable;

a second antenna arranged at the end of said headband, and coupled to said wireless communication module;

wherein the certain position is different from the end of the headband that connects to the speaker.

10. A communication apparatus comprising:

a pair of speakers;

a pair of ear pieces attached to said pair of speakers respectively;

a headband with two ends which connect to each of said speakers respectively;

a wireless communication module comprising transmitting and receiving circuitry coupled to said speakers; and

an antenna arranged on a substantially central part of said headband, and coupled to said wireless communication module;

wherein said wireless communication module is arranged at one of said ear pieces.

11. A communication apparatus comprising:

a pair of speakers;

a pair of ear pieces attached to said pair of speakers respectively;
a headband with two ends which connect to each of said speakers respectively;
a wireless communication module comprising transmitting and receiving circuitry
coupled to said speakers; [[and]]
an antenna arranged on a substantially central part of said headband, and
coupled to said wireless communication module; and
a second antenna arranged at one of said ear pieces.

Allowable Subject Matter

4. Claims 2-7, 10-12, 14-16, 18, and 19 are allowed.
5. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach or suggest one or more of the limitations found in independent claims 4, 10, and 11. With respect to independent claim 4, U.S. Patent No. 6,356,773 to Rinot fails to teach or suggest a second antenna arranged at the end of the headband, and coupled to the wireless communication module. Further with respect to independent claim 4, JP 11008893A to Usui fails to teach or suggest a wireless communication module comprising transmitting and receiving circuitry coupled to the speaker. With respect to independent claim 10, Rinot and Usui both fail to teach or suggest the wireless communication module comprising transmitting and receiving circuitry being arranged at one of the ear pieces. With respect to independent claim 11, Rinot fails to teach or suggest a second antenna arranged at one of the ear pieces.

Further with respect to independent claim 11, Usui fails to teach or suggest a wireless communication module comprising transmitting and receiving circuitry coupled to the speakers. Therefore, independent claims 4, 10, and 11, as well as respective dependent claims, are allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Citation of Pertinent References

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patent documents further show the state of the art with respect to headset communication devices:

- a. U.S. Patent Application Publication No. 2004/0242278 to Tomoda et al.

Communication Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leith A. Al-Nazer whose telephone number is 571-272-1938. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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HOANG V. NGUYEN
PRIMARY EXAMINER